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STATE FOR INL
TREASURY FOR FINCEN
DEA FOR OILS AND OFFICE FOR DIVERSION CONTROL
JUSTICE FOR OIA, AFMLS AND NDDS

E.O. 12958: N/A

TAGS: [SNAR](#)

SUBJECT: INTERNATIONAL NARCOTICS CONTROL STRATEGY
REPORT (INCSR) 2004

REF: STATE 248987

1. Summary

Nigeria remains a major transit route for illicit trafficking of narcotic drugs. There is evidence that narcotics transiting Nigerian ports and borders reach the United States in amounts sufficient to have a significant effect on United States. However, Nigeria does not produce any of the narcotic drugs. Cannabis/marijuana is grown domestically in Nigeria and is exported to the neighboring West African countries from where it is exported to Europe. There is a small, but increasing local narcotics market.

There is overwhelming evidence of Nigeria's strong commitment to keep narcotics from being transited through Nigeria and being abused by Nigerians. The overall result is prevention of narcotics from reaching markets in other countries.

Nigeria's commitment is demonstrated by the creation of the National Drug Law Enforcement Agency (NDLEA) in 1989 and is currently headed by a very energetic and able Chairman and assisted by qualified personnel in the 37 commands throughout the country. The government of Nigeria has also taken steps to fully fund the agency though this has not been successful. But, the agency is budgeted for and at least the Government meets 50% of it. There has been registered success in Drug Interdiction mostly at the airports though this still falls short of the overall expectations. Basically this is due to lack of adequate funding. Also, the Government established an Academy for NDLEA cadet and since its establishment, more than 5,000 cadets have been trained. In its fight against illicit drug trafficking, NDLEA has lost more than 200 personnel in the process. Despite inadequate resources, NDLEA is still performing an excellent job in drug interdiction. Nigeria is part to the 1988 UN Drug Convention.

1.1. Status of Country

As mentioned in para.1, Nigeria is not producer of narcotic drugs but a major drug-transit hub. Heroin and Cocaine transit Nigeria on their way to neighboring countries, Southern Africa, Europe and increasingly to the United States. These drugs originate outside Africa as demonstrated by the origins of the flights from which the traffickers are arrested. Drug interdiction is the sole responsibility of the NDLEA. However, NDLEA works alongside other agencies mentioned in the previous report. Heroin and Cocaine seizures have dominated the NDLEA activities at the Murtala Mohamed International Airport in Lagos. There was however a major seizure of 30 kilograms of Cocaine at the Benin-Nigerian border post in December. This shows how the drug traffickers keep changing their tactics upon an improvement in NDLEA's continued performance of its duties. Trade in and local consumption of Marijuana has been on the increase in the year 2004. This is shown by the quantities seized and the number of arrest made in the year. On the whole there has been an increase in narcotic drugs business despite Government efforts to combat illegal trafficking in drugs.

1.1.1. Country Actions Against Drugs in 2004

Policy Initiatives.

The relationship between the U.S government and Nigerian Agencies has continued to improve. Training programs, technical assistance and equipment donations have continued. NDLEA Academy in Jos, Plateau State received twenty computers and is still targeted in the next letter of amendment. Other beneficiaries in the 5th Amended Letter of Agreement are EFCC and NPF.

Accomplishments-

In 2004, NDLEA commenced a systematic implementation of all various anti-money laundering legislations and policies. Based on this, five commercial banks have been investigated and prosecuted for aiding and abetting money laundering. NDLEA also intensified its bank inspection operations.

NDLEA continues to lead in the region in the fight against drug trafficking. It has initiated and established a permanent secretariat for the Inter-Governmental Action Task Force Against Money Laundering in West Africa (GIABA).

Law Enforcement Efforts

In 2004, NDLEA seized 51,022.04 kilograms of cannabis, 92.273 kilograms of cocaine, 53.368 kilograms of heroin and 198.118 kilograms of psychotropic substances by the end of October. In the same period, the agency arrested 3,067 drug traffickers and over 98% of them were successfully prosecuted. The seizures were concentrated airports, seaports and border posts. NDLEA still experiences lack of enough personnel to cover all the entry points.

In the same period, the Nigerian government intensified its campaign against corruption by going against serving government officials including state Governors. President Olusegun Obasanjo has consistently berated state government officials over misappropriation of public funds. A case for the review of the Federal constitution has been made and the immunity clause under which the governors were hiding is up for review.

Corruption- Corruption is fully entrenched in the Nigerian society and still remains a significant barrier to effective narcotics enforcement. It is systematic and society tends to condone it. The socio-economic conditions in Nigeria seem to be the root cause. There is widespread unemployment and the salaries of Civil servants are meager. The government often fails to pay salaries on time. The most affected in this group are the Law Enforcement officers who have fallen victims of corruption. Several have been dismissed as a result of being compromised. In effort to combat corruption, the Nigerian Government, through the Corrupt Practices and other Related Offences Act of 2000, established the Independent Corrupt Practices and Other Related Offences Commission. The Act prohibits corrupt practices and other related offences; and also prescribes punishment for the offences. Under Section 6, the Commission is empowered to receive and investigate reports of corruption and where justifiable, prosecute the offenders. It is also empowered to educate the public on and against bribery, corruption and other related offences. The commission in 2004 endeavored to execute its duties despite the logistical problems it faced. The Commission as embarked on a public awareness campaign and has so far taken it to primary and Tertiary institutions. In 2004, ICPC has investigated and is in the process of prosecuting high profile Nigerian government officials. These include Judges, Commissioners, Permanent Secretaries and Ministers. An attempt by the National

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Assembly to repeal the Anti-corruption Act 2001 has failed. The government is more than committed to the anti-corruption crusade. There is a proposed constitutional amendment to remove the immunity of Governors and currently there is a governor being investigated for corruption and money laundering. ICPC also established a training academy. ICPC now boasts of 12 qualified and motivated prosecutors and is now recruiting private prosecutors to replace the police prosecutors. It has also established two zonal offices and expects to open four more offices in 2005. The government has also appointed two Judges in each of the 37 states to handle corruption cases. The ICPC budget was presented to the National Assembly, defended and it is hoped that the budget will be approved with minor amendments.

All cases dealt with by the Commission have no relationship with Narcotic drugs trafficking. The USG provided technical assistance to the Commission through the Bureau of International Narcotics and Law Enforcement Agency. It was the second phase of the program and through it the Commission will get additional training and technical assistance. This

includes a Resident Legal Advisor (RLA). She is currently in Nigeria on a fact-finding mission and will be back in March 2005 for six months. Agreements and Treaties-Nigeria is party to the 1988 UN Drug Convention, the 1961 UN Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and the 1971 UN Convention on Psychotropic Substances. Nigeria ratified the UN Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, and the Protocol against the Smuggling of Migrants. The 1931 U.S-UK Extradition treaty, which was made applicable to Nigeria in 1935, is the legal basis for U.S extradition requests. The U.S-Nigeria Mutual Legal Assistance Treaty (MLAT) that was entered into on January 14 2003 is still in force.

Cultivation /Production-Marijuana/Cannabis is grown all over Nigeria but it is concentrated in central and northern states of the country. It is also grown in large quantities in Ondo and Delta states. Its market is concentrated in West Africa and Europe. None is known to have found its way to the United States. In the execution of its duties, NDLEA destroyed more than 200,000 hectares of it in 2004.

Drug Flow/Transit-Nigeria remains a conduit for heroin and Cocaine from Asia and South America respectively. Interdiction is mainly at the Murtala Mohamed International Airport in Lagos where NDLEA conducts 100 percent searches on both passengers and luggage. This has led to the change of routes by traffickers. The use of Port Harcourt Airport by British Airways has been identified as a new route in Nigeria. The use of seaports is still the preferred means because of the laxity of security at these ports.

Domestic Programs (Demand Reduction) - As stated in the 2004 report, drug abuse is on the rise in Nigeria. This is a result of the availability of the drugs on the local market in Nigeria's large cities. Local cultivation and use are still big problems in Nigeria. However, NDLEA has expanded its counter-narcotics programs to primary and Tertiary institutions. In 2004, NDLEA improved on its sub-regional operational scheme and launched a special operation code named "Operation Tiger". The success of this operation has been unprecedented. It has led to seizures of substantial amounts of narcotics and the apprehension of several drug dealers who have provided valuable information to the agency.

IV. U.S Policy Initiatives and Programs

Policy Initiatives-The U.S-Nigeria counter narcotics cooperation did not change in 2004. U.S training programs, technical assistance and equipment donations to NDLEA have continued. In 2004, the 2002 Letter of Agreement signed by the USG and the Government of Nigeria was amended for the fourth time. The Fourth amendment provides for additional \$ 300,000 for the modernization of the Nigerian Police Force.

Bilateral Accomplishments - No comment

The Road Ahead

The Nigerian Police force has not been very cooperative in its dealings with the U.S Government. This has been manifested in its failure to follow a new recruit curriculum and a mid-level in-service training program that were designed by the Department of Justice advisors to the Nigerian Police Force. The Minister of Police affairs had also refused to sign the 4th Amendment to the Letter of Agreement in which the NPF was the sole beneficiary. He later signed when Washington gave us a deadline. He, however, expressed his willingness to call all the parties involved in Police activities to wit IG, Chairman Police Service commission, his Permanent Secretary and the U.S mission. He has not done anything on it. The Inspector of Government (IG) has been a stumbling block in the operations of the police. According to the Minister of Police Affairs, the IG has persistently failed to report to him about the assistance that the U.S government has been rendering to the police force. A lot is still desired from the police administration. The remaining Agencies (NDLEA, ICPC & EFCC) have shown that they are committed to their work and there are indicators that they are now effective on the ground. The progress so far made by them is capable of being sustained with minimum guidance. The political will to prevent corruption and tackle drug trafficking is apparent and this has enabled the agencies to perform

their duties with ease.

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